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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/575,433	12/20/1995	LISHENG HUANG	RIC-95-042	8140

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MCI, INC
1133 19TH STREET NW
WASHINGTON, DC 20036

EXAMINER	
TRAN, PHUC H	

ART UNIT	PAPER NUMBER
2666	

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	08/575,433	HUANG, LISHENG	
	Examiner	Art Unit	
	PHUC H. TRAN	2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 May 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-7,9-11,14-17,19,20,22 and 26-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *29,30 and 34* is/are allowed.

6)☒ Claim(s) *1,4-7,9-11,14-17,19,20,22,26-28,31-33 and 35-38* is/are rejected.

7)☒ Claim(s) *39* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4-7, 9-11, 14-17, 19, 20, 22, 26-28, 31-33, and 35-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Turock (U.S. Patent No. 6243373 B1)

- With respect to claims 1, 6-7, 11, 16-17, 22, 28, 31 & 38, Turock teaches a telecommunications system (Fig. 2) comprising:

an originating circuit-switch network (blocks 202, 208 and 210 in Fig. 2) provides originating signals in response to voice input (col. 12, lines 27-29);

an originating gateway computer converts the originating signals into packets of digital data and digital to signal (block 506 in Fig. 5, col. 8, lines 57-60);

a terminating gateway computer, that accepts out of band signaling (col. 2, lines 9-12; col. 6, lines 44-55, e.g. the out-of-band signaling is a separate communication channel that ITS 206 initiating over the Global Internet) and converts the digital data packets into terminating signals or terminating signals to the digital packets (block 508 in Fig. 5, col. 8, lines 57-60);

a terminating circuit-switched network provides voice output in response to the terminating signals and capable of providing voice input to the terminating gateway computer (e.g. the block 220 in Fig. 2);

and packet-switched network transmits the digital packets from/to the originating to/from the terminating gateway computer (block 214 in Fig. 2), at least on of the originating and terminating gateway comprising a component for routing the digital packets through the packet-switched network from the originating to the terminating gateway computer in response to dialed digits, spoken digits (e.g. blocks 206 and 216 communicate through block 214);

wherein the terminating circuit-switched network is capable of providing first return signals to the terminating gateway computer in response to return voice input (col. 5, lines 45-48);

wherein the terminating gateway computer comprises a component for converting the first return signals into return packets of return digital data (it inherently know when the called answer the call from calling party, the gateway must convert analog to digital for returning call),

wherein at least one of the originating gateway computer or the terminating gateway computer comprises a component for routing the return packets through the packet-switched network from the terminating gateway computer to the originating gateway computer (col. 5, lines 45-48),

and wherein the originating gateway computer comprises a component for converting the return packets into second return signals (it inherently know when gateway convert A/D it also convert D/A for communication).

- With respect to claims 4-5, 9-10, 14-15, & 19-20, Turock also teaches wherein the terminating gateway computer comprises a buffer for storing the digital packets prior to the conversion thereof into the terminating signals (col. 8, lines 20-23) and rearranging for a proper packet order (e.g. calls is process in order).

- With respect to claims 26 & 32, Turock discloses wherein at least one of the routing components comprises address resolution logic and a network routing database implement with a central processing unit (block 514 in Fig. 5 and col. 14, lines 39-58).

- With respect to claims 27 & 33, Turock explicitly fail to teach wherein the originating gateway terminal computer includes a component for providing a ring back tone or a busy tone to a telephone connected to the originating circuit-switched network, however, it's well known in the art at the time of the invention was made that a busy tone will send to the callers when the callee's line is busy.

- With respect to claims 35-38 Turock further teaches providing a caller's address and callee's address to an originating gateway computer in the originating network (col. 6, lines 44-46);

authorizing a call using the caller's address and the routing (col. 6, lines 36-43);

the terminating gateway computer to dial out the callee using the callee's address and the originating gateway computer provide a return tone for advising the callers of a status of the call (e.g. the communication between caller and called).

Allowable Subject Matter

3. Claims 29-30 and 34 allowed.

4. Claim 39 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments filed 2/23/2005 have been fully considered but they are not persuasive.

- In response to Applicant's argument that Turock does not discloses or suggest a terminal gateway computer that accepts out of band signaling and coverts the digital data packet from the originating gateway computer into terminating signals. Examiner respectfully disagrees.

> - ***Out-of-band signaling:*** *A system that uses a separate communications channel or frequency outside the voice band for signaling. Modern systems use a separate channel either TDM or virtual. SS7 uses messages for signaling that are carried on signaling links distinct from voice channels. ISDN uses messages for signaling that are carried on the D-channel distinct from voice carried on B-channels. Frame Relay and ATM use messages that are carried on a separate virtual connection reserved for signaling.*
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- As above define of out-of-band signaling, Turock teaches the receiving out-of-band signaling at block 216 in Fig. 2 such as the T1 using the TDM to transmit (col. 6, lines 48-51, the bridge paragraph between col. 6-7). Turok uses the TDM to separate communications channel, therefore Turok teaches the system transmits out-of-band signaling.

- Turock teaches converting step from analog signal to digital and from digital to analog (col. 10, lines 9-12; col. 16, lines 5-16).

Conclusion

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H TRAN whose telephone number is (703) 308-7471. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO SEEMA can be reached on (703) 308-5463. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 872-9314.

Phuc Tran
Assistant Examiner
Art Unit 2664

P.t
August 2, 2005

DAYTON
PRIMARY EXAMINER